

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTIETH DAY — MONDAY, APRIL 14, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 196).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Jones, D.; Laney.

Absent — Smithee.

The invocation was offered by Dr. Mark Alexander, pastor, First United Methodist Church, Sweetwater, as follows:

Matchless and loving God, we begin this day and continue in this holy week in prayer, acknowledging before you that, by ourselves, we can do nothing good. We are not wise enough, loving enough, sacrificial enough, or willing enough to do good for everyone all the time. But, Lord God, we know that you are, and that your sure delight is to answer when your children call. Lord, we call on you this day. You have been our help in ages past. Be our great helper this day.

Empower this body of government with the spiritual, personal, and selfless resources each one needs to govern with effectiveness. Lord, you know the competing agendas that we all carry and how our thoughtful wisdom makes up our minds for us, often before we hear from you, or one another. Help each of us

today to be welcome listeners, that we might discern what your spirit says to us, even if we must hear it from one another. Make each one here this day kind, loving, and wise with each other, that the best decisions possible may be made. Make each one sure that each law enacted here today can function as a portion of your redemptive work in our world. If not, let it be scrapped for more work and a better plan.

Keep the immediate from rushing what is important. Keep prosperity and equality for all concerned in the forefront of our minds. Aid us in being sure this day that equal access to the peace and prosperity of this great state be a coming reality for all. Let us not forget the least, the last, and the lost—especially for those who feel they have no voice at all. Let them have their voices and struggles heard on this floor. Grant that the social ills we have helped create become opportunities to rise above our pettiness. If we can do these things, we will embody the great ideals that ground our faith and gave rise to our nation.

Lord, we do pray this day for our nation and the role our great state plays in it. We are grateful that our national leader and his cabinet have their roots in our soil. Guard their hearts and minds. Give them wisdom as they commit the flower of youth to armed conflict. We pray for your aid to come to soldiers and their families; bring them home to us soon. Preserve every life possible and ensure the safety of those captured by war. Most importantly, bring peace to our troubled world. We ask for the peace of your shalom—not just the absence of war—that all creation might share in the abundant blessings of life and live in absolute devotion to God.

Lord, we, and those in this wonderful State of Texas, are grateful to you for the great foresight you gave us in making sure we could have the marvelous privilege of living here. Bless each member of this auspicious body with grace and love. Remind them this day that the power they hold must be held loosely and unoppressively. Remind them that it is more important to have character than to be one. Remind them that we, their constituents, depend upon them for competency and integrity before we depend upon them for legal remedies to social ills. Remind them of their smallness in the overall theme of history, and that greatness in history depends upon doing many small things well. May they know at the end of this day that it has been a day lived in your presence and power, not just the presence and power of government. May they govern this day as public servants and that they might become public examples of the same.

Grant them this day a moral compass to guide their lives and decisions. May they ask nothing of the people of our state they themselves are unwilling to do, and may they leave this place feeling fulfilled by their service. God bless them, God bless Texas, and God bless the USA. It is by our faith and by your great name that we pray. Amen.

CAPITOL PHYSICIAN

The speaker recognized Representative Harper-Brown who presented Dr. Harold Nachimson of Irving as the "Doctor for the Day."

The house welcomed Dr. Nachimson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of a death in the family:

D. Jones on motion of Goolsby.

The following member was granted leave of absence temporarily for today to attend a funeral:

Laney on motion of Goolsby.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 25).

INTRODUCTION OF GUESTS

The speaker recognized Representative Hunter who introduced Fletcher Spargo and his grandparents.

HR 659 - ADOPTED (by Paxton)

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 659**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 659, Honoring Zachary Albert of Allen on being named a Distinguished Finalist for a 2003 Prudential Spirit of Community Award.

HR 659 was adopted without objection.

HR 523 - ADOPTED (by B. Brown)

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 523**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 523, Recognizing the Facts on Saving and Investing Campaign for its benefit to the people of Texas.

HR 523 was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative B. Brown who introduced members of the Texas State Securities Commission.

HR 757 - ADOPTED (by Woolley)

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 757**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 757, Welcoming the Bunker Hill Ambassadors from Bunker Hill Elementary School in Houston to the State Capitol.

HR 757 was adopted without objection.

HR 741 - ADOPTED (by Gallego and West)

Representative West moved to suspend all necessary rules to take up and consider at this time **HR 741**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 741, Honoring the M.A.N.O. Hispanic Chamber of Commerce in Odessa on its 10th anniversary.

HR 741 was adopted without objection.

REGULAR ORDER OF BUSINESS SUSPENDED

Speaker Craddick moved to suspend all necessary rules to allow the house to consider all house and senate bills on third reading that appear on the General State Calendar before the house bills on second reading that appear on the Major State Calendar on today's Supplemental House Calendar.

The motion prevailed without objection.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 1743 ON THIRD READING (by Delisi, et al.)

HB 1743, A bill to be entitled An Act relating to prevention of fraud and abuse under the medical assistance program; creating an offense.

HB 1743 was passed.

HB 587 ON THIRD READING**(by Marchant)**

HB 587, A bill to be entitled An Act relating to the cremation of human remains and the operation of crematories and certain related entities; providing a penalty.

HB 587 was passed.

HB 601 ON THIRD READING**(by Thompson)**

HB 601, A bill to be entitled An Act relating to the administration of a retirement system for officers and employees of certain municipalities.

Representative Hochberg moved to postpone consideration of **HB 601** until the end of today's third reading bills.

The motion prevailed without objection.

HB 906 ON THIRD READING**(by Gallego)**

HB 906, A bill to be entitled An Act relating to the human resources staff and functions of state agencies.

HB 906 was passed.

HB 944 ON THIRD READING**(by King, Mercer, Paxton, Phillips, Hughes, et al.)**

HB 944, A bill to be entitled An Act relating to the admission to public institutions of higher education of students with nontraditional secondary educations.

HB 944 was passed.

HB 1180 ON THIRD READING**(by Chisum)**

HB 1180, A bill to be entitled An Act relating to participation by a defendant in a state boot camp program.

HB 1180 was passed.

HB 1331 ON THIRD READING**(by Solomons, Chisum, Gallego, and Dunnam)**

HB 1331, A bill to be entitled An Act relating to the continuation of notice and consent procedures regarding the location of certain correctional or rehabilitation facilities.

HB 1331 was passed.

HB 1372 ON THIRD READING**(by Allen, Hodge, Edwards, Keel, and Riddle)**

HB 1372, A bill to be entitled An Act relating to the operation of certain Texas Department of Criminal Justice industries and private sector prison industries programs.

HB 1372 was passed.

HB 1452 ON THIRD READING**(by Hilderbran)**

HB 1452, A bill to be entitled An Act relating to prohibiting a governmental entity from disclosing personal information relating to certain persons who hold a private pesticide applicator license.

HB 1452 was passed. (The vote was reconsidered later today, and **HB 1452** was amended and passed by Record No. 198)

HB 2008 ON THIRD READING**(by Hardcastle)**

HB 2008, A bill to be entitled An Act relating to certain powers and duties of the Department of Agriculture and other entities engaged in agricultural activities.

Amendment No. 1

Representative Hardcastle offered the following amendment to **HB 2008**:

Amend **HB 2008** on third reading by adding Section 6, and renumbering accordingly.

Sec. 6. Section 146.021, Agriculture Code, is amended to read as follows:

Section 146.021. DEPARTMENT FACILITIES. The department may receive and hold for processing animals and animal products transported in international trade and may establish and collect reasonable fees for yardage, maintenance, feed, medical care, facility use and other necessary expenses incurred in the course of processing those animals.

Amendment No. 1 was adopted without objection.

HB 2008, as amended, was passed.

HB 2096 ON THIRD READING**(by Pickett)**

HB 2096, A bill to be entitled An Act relating to creation of an offense for transporting a person in certain trailers and semitrailers.

HB 2096 was passed.

HB 2146 ON THIRD READING**(by Gattis)**

HB 2146, A bill to be entitled An Act relating to the prosecution of the offense of criminal mischief.

HB 2146 was passed.

HB 1713 ON THIRD READING**(by Hodge)**

HB 1713, A bill to be entitled An Act relating to an application for a writ of habeas corpus to seek relief related to community supervision.

(Smithee now present)

A record vote was requested.

HB 1713 was passed by (Record 197): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.; Laney.

Absent — Puente.

HB 1452 - VOTE RECONSIDERED

Representative Hardcastle moved to reconsider the vote by which **HB 1452** was passed.

The motion to reconsider prevailed.

HB 1452 ON THIRD READING**(by Hilderbran)**

HB 1452, A bill to be entitled An Act relating to prohibiting a governmental entity from disclosing personal information relating to certain persons who hold a private pesticide applicator license.

Amendment No. 1

Representative Hardcastle offered the following amendment to **HB 1452**:

Amend **HB 1452** on third reading by striking SECTION 2 of the bill and substituting:

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1452, as amended, was passed by (Record 198): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.; Laney.

Absent — Coleman; Moreno, P.; Talton; Telford.

(Speaker pro tempore in the chair)

HB 256 ON THIRD READING **(by Hochberg, et al.)**

HB 256, A bill to be entitled An Act relating to excused absences for religious holy days for students in institutions of higher education.

A record vote was requested.

HB 256 was passed by (Record 199): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton;

Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Jones, D.; Laney.

Absent — Davis, J.; Dawson; Laubenberg; Noriega.

HB 216 ON THIRD READING

(by Hamric, Wohlgemuth, Menendez, et al.)

HB 216, A bill to be entitled An Act relating to the qualification of a disabled person for an exemption from ad valorem taxation on the person's residence homestead.

HB 216 was passed.

HB 1000 ON THIRD READING

(by Madden)

HB 1000, A bill to be entitled An Act relating to the taking of witness depositions in a criminal case.

HB 1000 was passed.

HB 1307 ON THIRD READING

(by Marchant)

HB 1307, A bill to be entitled An Act relating to the administration, operation, and regulation of credit unions.

HB 1307 was passed.

HB 1321 ON THIRD READING

(by Naishtat and Peña)

HB 1321, A bill to be entitled An Act relating to the application of certain marketing and contracting restrictions to treatment facilities funded by the Texas Commission on Alcohol and Drug Abuse.

A record vote was requested.

HB 1321 was passed by (Record 200): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Jones, D.; Laney.

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 868 ON THIRD READING (Woolley - House Sponsor)

SB 868, A bill to be entitled An Act relating to the purpose, powers, and duties of Harris County Improvement District No. 1; authorizing the issuance of bonds.

A record vote was requested.

SB 868 was passed by (Record 201): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.;

Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Jones, D.; Laney.

Absent — Coleman; Edwards; Telford.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 601 ON THIRD READING

(by Thompson)

HB 601, A bill to be entitled An Act relating to the administration of a retirement system for officers and employees of certain municipalities.

HB 601 was read third time earlier today and was postponed until this time.

Representative Thompson moved to postpone consideration of **HB 601** until 11:45 a.m. today.

The motion prevailed without objection.

MAJOR STATE CALENDAR

HOUSE BILLS

SECOND READING

The following bills were laid before the house and read second time:

CSHB 7 ON SECOND READING

(by Heflin)

CSHB 7, A bill to be entitled An Act relating to making supplemental appropriations and making reductions in current appropriations.

CSHB 7 - PARLIAMENTARY INQUIRY

REPRESENTATIVE DUNNAM: So, just so I'm clear, **HB 7** is not the general appropriations bill as referred to in Rule 8, Section 21, is not the general appropriations bill as referred to in Rule 8, Section 21(a), is the general appropriations act as referred to in Rule 8, Section 19, and is the general appropriations bill as referred to in Article 3, Section 39 of the constitution?

SPEAKER PRO TEMPORE: That is correct.

REMARKS ORDERED PRINTED

Representative Dunnam moved to print remarks between Representative Dunnam and the Speaker Pro Tempore.

The motion prevailed without objection.

RULES SUSPENDED

Representative Gallego moved that the time limit to lay out a bill be removed for **CSHB 1** and **CSHB 7**.

The motion prevailed without objection.

(Speaker in the chair)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Civil Practices, upon lunch recess today, Desk 57, for a formal meeting, to consider pending business.

Judicial Affairs, upon lunch recess today, Desk 70, for a public hearing, to consider **HB 3274**, **HB 3553**, **HB 3557**, **HB 3568**, and **SB 979**.

Financial Institutions, upon lunch recess today, Desk 7, for a formal meeting, to consider pending business.

Energy Resources, Subcommittee on **HB 2006**, upon lunch recess today, Desk 85, for a formal meeting, to consider **HB 2006**.

Urban Affairs, upon lunch recess today, Desk 48, for a formal meeting, to consider **HB 397**, **HB 2466**, **HB 3232**, and **SCR 6**.

FIVE DAY POSTING RULE SUSPENDED

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judicial Affairs to consider **HB 3274**, **HB 3553**, **HB 3557**, **HB 3568**, and **SB 979**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Health Care Expenditures, Select, for a formal meeting, to consider **HB 1090** and **HB 3122**.

RECESS

Representative Delisi moved that the house recess until 1:15 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:01 p.m., recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

CSHB 7 - (pending business)

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **CSHB 7**:

Amend **CSHB 7** (Committee Printing) on page 3, between lines 6 and 7 by inserting the following:

(c) In the event legislation described by Subsection (a) of this section becomes law, the amount of \$116,000,000 is appropriated to the Texas Education Agency out of State Textbook Fund 003 for use during the two year period beginning September 1, 2003, as follows:

(1) \$70,000,000 for the purpose of providing instructional materials for classes in bilingual education and English as a second language.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CSHB 7 - (consideration continued)

Amendment No. 2

Representative Dunnam offered the following amendment to Amendment No. 1:

Amend the Martinez Fischer amendment to **CSHB 7** by striking "State Textbook Fund 003" and substituting "the Texas Enterprise Fund appropriations in SECTION 6 of this Act".

Amendment No. 2 was adopted without objection.

(Wilson in the chair)

Representative J. Keffer moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 202): 95 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Farabee; Farrar; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Hopson; Jones, J.; Lewis; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Wilson(C).

Absent, Excused — Jones, D.; Laney.

Absent — Dukes; Flores; McClendon; Telford.

STATEMENT OF VOTE

I was shown voting yes on Record No. 202. I intended to vote no.

Bailey

Amendment No. 3

Representative Hochberg offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 2, strike lines 10-16 and renumber the following items appropriately.

(Speaker in the chair)

Representative Heflin moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 203): 91 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Eiland; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Haggerty; Hochberg; Hodge; Homer; Hopson; Jones, J.; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.; Laney.

Absent — Capelo; McClendon.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSHB 7 - (consideration continued)**Amendment No. 4**

Representative Hochberg offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 2, strike lines 17-27;

On page 3, strike lines 1-6.

Representative Pitts moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 204): 85 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Baxter; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Keel; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.; Laney.

Absent — Davis, J.; Dukes; Hardcastle; Hilderbran; McClendon.

STATEMENT OF VOTE

When Record No. 204 was taken, my vote failed to register. I would have voted no.

Hilderbran

Amendment No. 5

Representative Solis offered the following amendment to **CSHB 7**:

Amend **CSHB 7** by adding the following to the end of SECTION 6 of the bill:

Out of the \$295,000,000 appropriated by this section, the amount of \$10,721,071 must be transferred to the University of Texas Health Science Center at San Antonio for the fiscal year beginning September 1, 2003, and the amount of \$8,440,541 must be transferred to the University of Texas Health Science Center at San Antonio for the fiscal year beginning September 1, 2004, for the sole purpose of funding the Regional Academic Health Center's educational programs in Harlingen and research programs in Edinburg.

Representative J. Keffer moved to table Amendment No. 5.

A record vote was requested.

The motion to table prevailed by (Record 205): 94 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberger; Lewis; Luna; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Puente; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Mabry; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.; Laney.

Absent — Dukes.

Amendment No. 6

Representative Hopson offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 4, strike lines 24-25;

On page 7, strike lines 9-12 and renumber remaining items appropriately;

Insert an appropriately numbered section to read as follows:

SECTION _____. EMPLOYEES RETIREMENT SYSTEM, TEACHERS RETIREMENT SYSTEM AND HIGHER EDUCATION EMPLOYEES GROUP INSURANCE CONTRIBUTIONS. In order to prevent a reduction in funds appropriated to the Employees Retirement System, Teachers Retirement System, and the Higher Education Employees Group Insurance program, there is hereby appropriated the amount of \$114,213,496 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

(Laney now present)

Representative Luna moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 206): 82 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Capelo; Casteel; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keffer, B.; Keffer, J.; King; Krusee; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Callegari; Canales; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Gallego; Garza; Goodman; Guillen; Haggerty; Hardcastle; Hilderbran; Hochberg; Hodge; Homer; Hopson; Jones, J.; Keel; Kolkhorst; Kuempel; Laney; Mabry; Martinez Fischer; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Stick; Telford; Thompson; Turner; Uresti; Villarreal; West; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C); Solomons.

Absent, Excused — Jones, D.

Absent — Giddings.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 206. I intended to vote no.

Bohac

I was shown voting yes on Record No. 206. I intended to vote no.

Bonnen

I was shown voting yes on Record No. 206. I intended to vote no.

Hunter

I was shown voting yes on Record No. 206. I intended to vote no.

E. Jones

I was shown voting yes on Record No. 206. I intended to vote no.

McCall

I was shown voting yes on Record No. 206. I intended to vote no.

McReynolds

I was shown voting yes on Record No. 206. I intended to vote no.

Mercer

I was shown voting yes on Record No. 206. I intended to vote no.

T. Smith

REASONS FOR VOTE

My vote to table the motion was made in anticipation of these funds being appropriated on behalf of retired teachers through the conference committee.

Branch

The Appropriations Committee has worked diligently for two months to design a state budget that will provide needed services for all Texans.

I have full confidence the conference committee will restore the necessary funds to support our retired teachers.

Casteel

B. Cook

Eissler

Griggs

I voted aye on **HB 7**, Amendment No. 6 (motion to table) because I am working on legislation that addresses ERS, TRS, and TRS Care in my Select Committee on Health Care Expenditures. I am confident that the conference committee will adequately fund the Select Committee's legislation for the health benefit of ERS, TRS, and TRS Care.

Delisi

Amendment No. 7

Representative Castro offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 5, lines 27, strike "\$85,233" and insert "\$145,233" in lieu thereof.

(Hupp in the chair)

Representative Pickett moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 207): 89 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Bonnen; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Goodman; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Hupp(C).

Absent, Excused — Jones, D.

Absent — Eiland.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 14).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 4:30 p.m. today, speakers committee room, for a formal meeting.

CSHB 7 - (consideration continued)

Amendment No. 8

Representative Peña offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 6, strike lines 6-7 and renumber the remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. COMMISSION ON ALCOHOL AND DRUG ABUSE. In order to prevent further incidents of alcohol and drug abuse which have devastating consequences and huge societal costs, and to prevent a reduction in funds appropriated to the Commission on Alcohol and Drug Abuse, there is hereby appropriated the amount of \$9,576,994 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

(Hilderbran in the chair)

Representative Hupp moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 208): 85 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crossover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Merritt; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Callegari; Canales; Capelo; Castro; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; Hilderbran(C).

Absent, Excused — Jones, D.

Absent — Chavez; Corte; Dukes; McClendon; Pickett; Solomons; Wilson.

STATEMENT OF VOTE

When Record No. 208 was taken, my vote failed to register. I would have voted no.

Chavez

Amendment No. 9

Representative Naishtat offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 6, strike lines 20-21 and renumber remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS DEPARTMENT OF HUMAN SERVICES. In order to prevent a reduction in funds appropriated to the Texas Department of Human Services from the General Revenue Fund (Fund 0001), there is hereby appropriated the amount of \$30,876,153 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Amendment No. 9 was withdrawn.

Amendment No. 10

Representatives Dukes and McClendon offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

(1) By adding appropriately numbered SECTIONS to read as follows and by renumbering existing SECTIONS and references to existing SECTIONS accordingly:

SECTION _____. DEPARTMENT OF HUMAN SERVICES: DISASTER ASSISTANCE PAYMENTS. Out of the Economic Stabilization Fund 0599, the amount of \$6,400,000 is appropriated to the Department of Human Services for use during the state fiscal year ending August 31, 2003, for the purpose of reimbursing the Department of Human Services for previously expended disaster assistance payments.

SECTION _____. REDUCTION IN APPROPRIATIONS: SALE OF SURPLUS PROPERTY.

(a) Notwithstanding Sec. 8.04, page IX-67, Chapter 1515, Acts of the 77th Legislature, Regular Session, 2001 (the General Appropriations Act), all receipts from the sale of surplus property, equipment, livestock, commodities, or salvage pursuant to the provisions of Chapter 2175, Government Code, that are received by a state agency during the state fiscal year ending August 31, 2003 shall be deposited to undedicated general revenue, and the amounts deposited are available for general governmental purposes.

(b) This subsection is for informational purposes only. It is the intent of the Legislature that implementation of this Section of this Act shall increase undedicated general revenue by \$2,500,000 in the state fiscal year ending August 31, 2003.

(2) On page 6, line 20, strike "\$30,876,153" and substitute "\$4,313,847".

(3) Adjust totals accordingly.

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Farrar offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 6, strike lines 22-23 and renumber remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION. In order to prevent a reduction in funds appropriated to the Texas Department of Mental Health and Mental Retardation

from the General Revenue Fund (Fund 0001), there is hereby appropriated the amount of \$32,338,079 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Representative Wohlgemuth moved to table Amendment No. 11.

(Hupp in the chair)

A record vote was requested.

The motion to table prevailed by (Record 209): 88 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Goodman; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Hupp(C).

Absent, Excused — Jones, D.

Amendment No. 12

Representative Eiland offered the following amendment to **CSHB 7**:

Amend **CSHB 7** (committee printing) as follows:

- (1) On page 6, line 23, strike "\$32,338,079" and substitute "\$21,879,831".
- (2) On page 28, strike lines 7-26.
- (3) On page 28, line 27, strike "(e)" and substitute "(c)".
- (4) Adjust totals and methods of financing accordingly.

Representative Wohlgemuth moved to table Amendment No. 12.

A record vote was requested.

The motion to table prevailed by (Record 210): 82 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Howard; Hughes; Hunter; Isett; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; Mercer; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Haggerty; Hilderbran; Hochberg; Hodge; Homer; Hopson; Jones, J.; Keel; Laney; Mabry; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Hupp(C).

Absent, Excused — Jones, D.

Absent — Callegari; Miller.

Amendment No. 13

Representative Hodge offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 7, strike lines 1-2 and renumber remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS EDUCATION AGENCY. In order to prevent a reduction in funds appropriated to the Texas Education Agency from the General Revenue Fund (Fund 0001) and to maximize education opportunities for our children, there is hereby appropriated the amount of \$88,080,333 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Representative Branch moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 211): 88 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden;

Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Hupp(C).

Absent, Excused — Jones, D.

Absent — Corte; Goodman; Laney; Pickett.

Amendment No. 14

Representative Farabee offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 7, strike lines 13-14 and renumber remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS HIGHER EDUCATION COORDINATING BOARD. In order to prevent a reduction in funds appropriated to the Texas Higher Education Coordinating Board from the General Revenue Fund (Fund 0001) and to maximize opportunities in and access to higher education for all Texans, there is hereby appropriated the amount of \$91,214,575 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

(Speaker in the chair)

Representative Pitts moved to table Amendment No. 14.

A record vote was requested.

The motion to table prevailed by (Record 212): 87 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Capelo; Crownover; Goolsby; Howard; Moreno, P.; Smith, W.; Wohlgemuth.

STATEMENT OF VOTE

When Record No. 212 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

CSHB 7 - AMENDMENTS LIMITED

Representative Wilson moved to limit the amendments to **CSHB 7** to those pending on the speaker's desk.

A record vote was requested.

The motion to limit amendments prevailed by (Record 213): 91 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Garza; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laubenberger; Lewis; Luna; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Canales; Capelo; Castro; Chavez; Chisum; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Flores; Gallego; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Jones, J.; Krusee; Laney; Mabry; Martinez Fischer; McReynolds; Menendez; Merritt; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Dukes; Eiland; Giddings; McClendon; Moreno, P.; Turner.

STATEMENT OF VOTE

When Record No. 213 was taken, I was in the house but away from my desk. I would have voted no.

Eiland

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 7 - (consideration continued)

Amendment No. 15

Representative Pitts offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

- (1) On page 7, line 13, strike "\$91,214,575" and substitute "\$89,925,420";
- (2) On page 22, line 27, strike "\$140,000" and substitute "\$134,000";
- (3) Adjust totals accordingly.

Amendment No. 15 was adopted without objection.

Amendment No. 16

Representative Turner offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

- (1) On Page 14, line 8, strike "\$170,800,000" and substitute "\$136,200,000".
- (2) On Page 14, line 16, strike "\$5,534,980" and substitute "\$1,985,283".
- (3) Adjust totals accordingly.

Amendment No. 16 was adopted without objection.

Amendment No. 17

On behalf of Representative Y. Davis, Representative Alonzo offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 16, strike lines 4-5 and renumber remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS DEPARTMENT OF TRANSPORTATION. In order to prevent a reduction in funds appropriated to the Texas Department of Transportation from the General Revenue Fund (Fund 0001), and to ensure continued transportation improvements throughout the state, there is hereby appropriated the amount of \$1,767,926 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Representative Hamric moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 214): 94 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Hopson; Jones, J.; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Capelo; Eiland; Flores; Laney; Moreno, P.

Amendment No. 18

Representative Villarreal offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 16, strike lines 6-7 and renumber remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS WORKFORCE COMMISSION. In order to prevent a reduction in funds appropriated to the Texas Workforce Commission from the General Revenue Fund (Fund 0001), and to maximize training and employment opportunities in a difficult economy, there is hereby appropriated the amount of \$7,786,394 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Amendment No. 19

Representative Villarreal offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 to **CSHB 7** by Villarreal as follows:

On page 1, line 8, strike "training and" and substitute "child care services to support".

Amendment No. 19 was adopted without objection.

Representative Luna moved to table Amendment No. 18.

A record vote was requested.

The motion to table prevailed by (Record 215): 104 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Edwards; Farabee; Farrar; Gallego; Garza; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Mabry; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Raymond; Rodriguez; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Alonzo; Flores; Laney; Martinez Fischer; McClendon; Menendez; Moreno, P.

Amendment No. 20

Representative Solis offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

- (1) On page 17, strike lines 1-2;
- (2) On page 18, line 12, after ";", insert "and";
- (3) On page 18, strike lines 13-14;
- (4) On page 25, strike lines 21-23;
- (5) On page 26, strike lines 1-4;
- (6) Renumber subdivisions accordingly;
- (7) Adjust totals accordingly.

Amendment No. 20 was adopted without objection.

Amendment No. 21

Representative Burnam offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 17, strike lines 1-2 and renumber remaining items appropriately.
Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS DEPARTMENT OF INSURANCE. In order to prevent a reduction in funds appropriated to the Texas Department of Insurance from the General Revenue Fund (Fund 0001), and to ensure better regulation of the insurance industry and enforcement of state law, there is hereby appropriated the amount of \$1,767,260 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Amendment No. 21 was withdrawn.

Amendment No. 22

Representative Raymond offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

- (1) On page 18, Line 3, strike "\$268,402" and substitute "\$40,000";
- (2) Adjust totals accordingly.

Amendment No. 22 was adopted without objection.

Amendment No. 23

Representative Raymond offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

- (1) On page 18, line 18, strike "\$9,156,897" and substitute "\$9,256,897".
- (2) Add the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS appropriately:

SECTION _____. In addition to any amounts appropriated to the House of Representatives by Chapter 1515, Acts of the 77th Legislature, Regular Session, 2001 (the General Appropriations Act), the amount of \$100,000 is appropriated out of the General Revenue Fund to the House of Representatives for the purpose of funding congressional redistricting hearings to be held by the redistricting committee of the House of Representatives during the fiscal year ending August 31, 2003, in at least the following locations:

Laredo, McAllen, Corpus Christi, San Antonio, Houston, Dallas, Fort Worth, Beaumont, Tyler, Waco, El Paso, and Abilene.

- (3) Adjust totals and methods of financing accordingly.

CSHB 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RAYMOND: Thank you, Mr. Speaker, members. Members, the legislature should not even be considering congressional redistricting this session. I know a lot of you feel that way because a lot of you have told me as much. In the past 50 years, no state has taken up congressional redistricting in the middle of a decade absent a court order to do so. Texas is under no such court order, and the current plan was appealed to the United States Supreme Court and was found to meet all applicable state and federal laws including the Voting Rights Act.

Every major newspaper in every region of the state has editorialized against redrawing congressional districts, asking this legislature, as the editorials have said, to turn away the partisan agenda driven by the ambitions of Tom DeLay.

However, if we are forced to consider a change in congressional lines, the voters—the people affected—should have the opportunity to see and comment on any proposed changes that may affect their representation. Under the Voting Rights Act, the justice department and the federal courts look unfavorably on a state legislature that refuses to give the people a fair opportunity to comment on and participate in the redistricting process, especially Hispanics, African-Americans, and working folks that can't afford to come to Austin on short notice. In Texas, we have a well-established tradition of holding field hearings before making any major changes in district lines, just as we did before the 2001 congressional redistricting. When we took comments on the old 30 congressional—the old 30 district congressional plan, but we've never—public comment on the new 32 member plan in place today, and Chairman Crabb is contemplating another map—a new map that no one has seen apparently so far. The cost of field hearings would be minimal compared to the \$5,000,000 or more the state would need to spend to pay for litigation should a new plan actually be passed. In fact, \$5,000,000 would cover CHIP for over 13,000 Texas children.

As I've said, members, we should not be taking up congressional redistricting. However, if we are going to, my amendment would take \$100,000 from the legislature's budget and call for congressional redistricting hearings in at least the following locations: Laredo, McAllen, Corpus Christi, San Antonio, Houston, Dallas, Fort Worth, Beaumont, Tyler, Waco, El Paso, and Abilene.

Representative Heflin moved to table Amendment No. 23.

A record vote was requested.

The motion to table prevailed by (Record 216): 89 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dunnam; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Menendez; Moreno, P.; Smithee.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 216. I intended to vote no.

Dunnam

When Record No. 216 was taken, my vote failed to register. I would have voted no.

Menendez

When Record No. 216 was taken, my vote failed to register. I would have voted no.

P. Moreno

I was shown voting yes on Record No. 216. I intended to vote no.

Oliveira

Amendment No. 24

Representative Berman offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

- (1) On page 23, line 22, strike "\$1,263,185" and substitute "\$581,988";
- (2) Adjust totals accordingly.

Amendment No. 24 was adopted without objection.

REMARKS ORDERED PRINTED

Representative Dunnam moved to print remarks by Representative Raymond.

The motion prevailed without objection.

Amendment No. 25

Representative Hochberg offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 24, strike lines 18-20 and renumber the following items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. COMMISSION ON ENVIRONMENTAL QUALITY. In order to prevent a reduction in funds appropriated to the Commission on Environmental Quality from the General Revenue dedicated account number 0655, Petroleum Storage Tank Remediation Account; there is hereby appropriated \$30,000,000 to the General Revenue Fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Representative Pickett moved to table Amendment No. 25.

A record vote was requested.

The motion to table prevailed by (Record 217): 90 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Castro; Chavez; Chisum; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farrar; Gallego; Garza; Giddings; Goodman; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Canales; Flores; Hamilton; Moreno, P.; Puente; Smith, T.; Turner.

Amendment No. 26

Representative Pickett offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

(1) On page 26, add subsection (f) to SECTION 7 as follows:

(f) The amounts of the unencumbered appropriations from appropriated receipts that were appropriated by Rider 2, page I-66, Chapter 1515, Acts of the 77th Legislature, Regular Session, 2001 (the General Appropriations Act), to the Department of Information Resources are reduced in the amount of \$3,000,000 for the state fiscal year ending August 31, 2003. The Comptroller of Public Accounts shall transfer this amount from the Department of Information Resources clearing account to undedicated General Revenue.

(2) On page 29, add subsection (f) to SECTION 11 as follows:

(f) Notwithstanding the requirements of Rider 2, page I-66, Chapter 1515, Acts of the 77th Legislature, Regular Session, 2001 (the General Appropriations Act), the amounts reduced and transferred by Section 7(f) of this Act, are available for general governmental purposes.

Amendment No. 26 was adopted without objection.

Amendment No. 27

Representative Rodriguez offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 26, strike lines 17-22 and renumber the remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS EDUCATION AGENCY. In order to prevent a reduction in funds appropriated to the Texas Education Agency from the Available School Fund 0002, State Textbook Fund 0003, and Foundation School Fund 0193, there is hereby appropriated \$3,710,000 to the General Revenue Fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599), \$131,037,247 to the General Revenue Fund (Fund 0001) from the Economic Stabilization Fund (0599), and \$187,734,652 to the General Revenue Fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Representative Pitts moved to table Amendment No. 27.

A record vote was requested.

The motion to table prevailed by (Record 218): 94 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Farrar; Gallego; Garza; Giddings; Guillen; Hodge; Hopson; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Canales; Edwards; Flores; Geren; Hamilton; Hegar; Hochberg; Kolkhorst; McClendon; Moreno, P.; Puente; Turner.

Amendment No. 28

Representative Y. Davis offered the following amendment to **CSHB 7**:

Amend **CSHB 7** at the end of SECTION 7 by inserting the following appropriately numbered subsection:

() The reduction in appropriation to Texas Southern University under Section (7) (a) (74) is not intended to violate any settlement agreement between the state and the United States Office of Civil Rights.

Amendment No. 28 was adopted without objection.

Amendment No. 29

Representative Y. Davis offered the following amendment to **CSHB 7**:

Amend **CSHB 7** at the end of SECTION 7 by inserting the following appropriately numbered subsection:

() The reduction in appropriation to Prairie View A&M University under Section (7) (a) (57) is not intended to violate any settlement agreement between the state and the United States Office of Civil Rights.

Amendment No. 29 was adopted without objection.

Amendment No. 30

Representative Gallego offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

On page 14, strike lines 8-9 and renumber remaining items appropriately.

Insert an appropriately numbered section to read as follows:

SECTION _____. TEXAS DEPARTMENT OF CRIMINAL JUSTICE. In order to prevent a reduction in funds appropriated to the Texas Department of Criminal Justice from the General Revenue Fund (Fund 0001), to maximize the safety of prison guards and the length of time served by criminals as well as to minimize opportunities for escape from prison, there is hereby appropriated the amount of \$170,800,000 to the General Revenue fund (Fund 0001) from the Economic Stabilization Fund (Fund 0599).

Representative Turner moved to table Amendment No. 30.

A record vote was requested.

The motion to table prevailed by (Record 219): 99 Yeas, 41 Nays, 4 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Puente; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Edwards; Ellis; Farabee; Farrar; Gallego; Garza; Guillen; Hochberg; Hodge; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; McReynolds; Menendez; Miller; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Telford; Thompson; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C); Capelo; Solis; Uresti.

Absent, Excused — Jones, D.

Absent — Flores; Homer; McClendon; Moreno, P.

STATEMENT OF VOTE

I was shown voting yes on Record No. 219. I intended to vote no.

Kolkhorst

Amendment No. 31

Representative Villarreal offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

(1) On page 16, line 6, strike "\$7,786,394" and substitute "\$6,825,465".

(2) Add an appropriately numbered section to the bill to read:

SECTION _____. CHILD CARE WORK AND FAMILY CLEARINGHOUSE. In addition to other amounts appropriated by this Act, \$960,929 is appropriated out of the general revenue fund to the Texas Workforce Commission for the child care work and family clearinghouse for the fiscal year ending August 31, 2003.

(3) Adjust totals and methods of financing accordingly.

Representative Pickett moved to table Amendment No. 31.

A record vote was requested.

The motion to table prevailed by (Record 220): 95 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Hopson; Jones, J.; Mabry; McReynolds; Menendez; Mercer; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Martinez Fischer; McClendon; Moreno, P.

STATEMENT OF VOTE

I was shown voting no on Record No. 220. I intended to vote yes.

Pitts

Amendment No. 32

Representative Farrar offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

(1) On page 3, line 12, strike "\$295,000,000" and substitute "\$262,661,921".

(2) On page 3, line 20, strike "\$295,000,000" and substitute "\$262,661,921".

(3) On page 6, strike lines 22 and 23.

(4) Renumber subdivisions within Section 7(a) of the bill and cross-references to subdivisions in Section 7(a) of the bill, such as the cross-reference contained in Section 8 of the bill, appropriately.

(5) Adjust totals and methods of financing accordingly.

Representative Heflin moved to table Amendment No. 32.

A record vote was requested.

The motion to table prevailed by (Record 221): 94 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farabee; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Eiland; McClendon.

Amendment No. 33

Representative Hochberg offered the following amendment to **CSHB 7**:

Amend **CSHB 7** as follows:

(1) On page 2, line 18, strike "(a)".

(2) On page 3, strike lines 1-6.

(3) On page 26, line 19, strike "\$131,037,247" and substitute "\$15,037,247".

(4) Adjust totals and methods of financing accordingly.

Representative Gutierrez moved to table Amendment No. 33.

A record vote was requested.

The motion to table prevailed by (Record 222): 88 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Baxter; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Flores; Gallego; Garza; Giddings; Goodman; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; McCall; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Farrar; McClendon; Smithee.

STATEMENT OF VOTE

I was shown voting yes on Record No. 222. I intended to vote no.

Keel

A record vote was requested.

CSHB 7, as amended, was passed to engrossment by (Record 223): 113 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Farrar; Gallego; Hochberg; Hodge; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Raymond; Rodriguez; Telford; Thompson; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Jones, D.

Absent — Hartnett.

STATEMENTS OF VOTE

When Record No. 223 was taken, I was in the house but away from my desk. I would have voted yes.

Hartnett

When Record No. 223 was taken, I was absent because of a death in the family. Had I been present I would have voted no.

D. Jones

REASON FOR VOTE

The safest and surest strategy toward prosperity is to invest in our children. I hoped to support **CSHB 7** because it would position our governor to more effectively compete with other states in attracting and growing industry. However, after further study, I choose to oppose **CSHB 7** because it failed to make necessary, critical investments to support our children's education and health.

Villarreal

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 601 ON THIRD READING

(by Thompson)

HB 601, A bill to be entitled An Act relating to the administration of a retirement system for officers and employees of certain municipalities.

HB 601 was read third time earlier today, postponed until the end of bills on third reading, and was again postponed until this time.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 601**:

Amend **HB 601** on third reading on page 3, line 1, to insert the words "and the governing body," after the word "board" and before the phrase "and signed by the mayor."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Turner offered the following amendment to **HB 601**:

Amend **HB 601**, second reading engrossment, on page 3, by striking lines 5-9 and substituting "alternate payees."

Amendment No. 2 was adopted without objection.

HB 601- STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WONG: Ms. Thompson, would you say that with the two amendments that we now have before the house, that both of these now allow the Houston City Council to approve any amendments or any agreements made between the mayor and the pension board?

REPRESENTATIVE THOMPSON: Any agreements that the pension board would be making have to be approved by the city council.

WONG: And it also says, with the amendments that Mr. Turner has, that they could lower the benefits, thereby not incumbering the city for a large amount of money without the taxpayers knowing?

THOMPSON: That is correct.

REMARKS ORDERED PRINTED

Representative Wong moved to print remarks between Representative Wong and Representative Thompson.

The motion prevailed without objection.

A record vote was requested.

HB 601, as amended, was passed by (Record 224): 135 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Campbell; Crabb; Heflin; Hill; Hupp.

Present, not voting — Mr. Speaker(C); Baxter.

Absent, Excused — Jones, D.

Absent — Denny; Flores; Geren; Hegar; Kolkhorst; Truitt.

MAJOR STATE CALENDAR
(consideration continued)**HB 3175 ON SECOND READING**
(by Pitts)

HB 3175, A bill to be entitled An Act relating to the authority of the comptroller of public accounts to manage cash flow by transferring available cash between funds in the custody or under the management of the comptroller; making an appropriation.

Amendment No. 1 (Committee Amendment No. 1)

Representative Pitts offered the following committee amendment to **HB 3175**:

Amend **HB 3175** as follows:

(1) On page 2, line 3, between "legislature" and the period, insert "except as necessary to return cash to the fund from which it was transferred as required by Subsection (a)".

(2) Beginning on page 2, line 4, strike Subsection (a) of SECTION 2.

(3) On page 2, line 14, strike "(b)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Uresti, Deshotel, and Dunnam offered the following amendment to **HB 3175**:

Amend **HB 3175** as follows:

(1) On page 1, strike lines 7-8 and substitute the following:

"SECTION 1. Section 403.092, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:"

(2) On page 2, between lines 3 and 4, insert the following:

"(f) The comptroller may not transfer available cash to the general revenue fund under Subsection (a) from the Texas Tomorrow Fund."

Amendment No. 2 was adopted without objection.

A record vote was requested.

HB 3175, as amended, was passed to engrossment by (Record 225): 100 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Dukes; Edwards; Eissler; Elkins; Farabee; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Madden; Marchant; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Ellis; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Luna; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker(C); Pickett.

Absent, Excused — Jones, D.

Absent — Davis, J.

STATEMENT OF VOTE

I was shown voting no on Record No. 225. I intended to vote yes.

Chavez

CSHB 1 ON SECOND READING

(by Heflin)

CSHB 1, General Appropriations Bill.

(D. Jones now present)

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Isett on motion of Corte.

CSHB 1 - (consideration continued)**Amendment No. 1**

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 1

Amend **CSHB 1** by striking out the enacting clause.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Heflin offered the following amendment to **CSHB 1**:

Floor Packet Page No. 2

Amend **CSHB 1** as follows:

(1) On Page I-23, under Rider 25 in the bill pattern for the Building and Procurement Commission strike, "Provide Support to State Agencies-Office Services, Fleet Management and Surplus Property Needs" and substitute "Surplus Property Management";

(2) On Page I-33, under Rider 3 in the bill pattern for the Fiscal Programs-Comptroller of Public Accounts strike, "Parts 2" and substitute "Parts 1";

(3) On Page I-33, under Rider 4 in the bill pattern for the Fiscal Programs-Comptroller of Public Accounts for each occurrence strike, "Part 2" and substitute "Part 1";

(4) On Page I-41, under Rider 5 at the end of the paragraph "b" in the bill pattern of the Employees Retirement System strike "; and" an substitute a period;

(5) On page I-42, under "A.Goal", before "A.1.1. Strategy" in the bill pattern of the Texas Ethics Commission, strike "within 60 Working Days" and substitute "within 90 Working Days";

(6) On page I-72, in the bill pattern of the Preservation Board, strike the line "Number of Full-Time-Equivalent Positions (FTE) - Total 208.5 208.5"

and substitute

"Number of Full-Time-Equivalent Positions (FTE) - Total 218.5 218.5";

(7) On Page II-59 in the bill pattern for the Department of Human Services make a method of finance change by increasing the earned federal funds in each fiscal year of the biennium by \$7.1 million and decreasing the GR Match for Medicaid by \$7.1 million in each fiscal year of the biennium, and under the Method of Financing:

(A) strike the line

"GR Match for Medicaid 1,386,393,616 1,309,126,916"

and substitute the line

"GR Match for Medicaid 1,379,293,616 1,302,026,916";

and

(B) add a line stating

"Earned Federal Funds 7,100,000 7,100,000";

(8) On page III-55 of the bill pattern for Texas Higher Education Coordinating Board strike "and all balances from the institution's allocation from the amounts available for distribution out of the Permanent Health Fund for Higher Education" in subsection (b) of rider 45;

(9) On Page III-55, in the bill pattern for the Texas Higher Education Coordinating Board, add the following rider:

"48. **Minority Doctoral Incentive Program.** Out of the funds appropriated to the Minority Doctoral Incentive Program in **SB 1**, Seventy-seventh Legislature, Regular Session, 2001, for the biennium ending August 31, 2003, \$137,304 is hereby appropriated for the biennium ending August 31, 2005.";

(10) On page III-214 at the end of Sec. 48 under Special Provisions Relating Only to State Agencies of Higher Education add the following:

"Amounts available for distribution or investment returns in excess of the amounts estimated above are also appropriated. In the event that amounts available for distribution or investment returns are less than the amounts estimated above, this Act may not be construed as appropriating funds to makeup the difference.

All balances of estimated appropriations from the institution's allocation from the amounts available for distribution out of the Permanent Health Fund for Higher Education, except for any General Revenue, at the close of the fiscal year ending August 31, 2003, and the income to said fund during the fiscal years beginning September 1, 2003, are hereby appropriated. Any unexpended appropriations made above as of August 31, 2004, are hereby appropriated for the same purposes for fiscal year 2005.";

(11) On Page VI-33, under Rider 15 in the bill pattern of the Parks and Wildlife Department:

(A) strike "\$33,000" and substitute "\$66,650";

(B) strike "\$66,650" and substitute "\$33,000"; and

(C) strike "for the biennium" and substitute "in each fiscal year";

(12) On Page VI-49, under Rider 11 in the bill pattern of the Water Development Board strike "as of August 31, 2004, in the appropriation made above out of" and substitute "in";

(13) On Page VII-5, under Rider 2 in the bill pattern for the Texas Department of Economic Development, strike "statue" and substitute "statute";

(14) On page VII-23, in the in the first line of text of Rider 7 in the bill pattern of the Office of Rural Community Affairs, between "out" and "the" insert "of";

(15) On Page VIII-66, under Rider 3 in the bill pattern of the Texas Real Estate Commission, strike the phrase "VTCS, Article 6573a.2, § 13" and strike the phrase "§ 13 of VTCS, Article 6573a.2" and substitute for each phrase "§ 1103.156, Occupations Code";

(16) On Page IX-2:

(A) strike "0137 Secretary IV A10";

(B) after "0150 Administrative Assistant" add "I";

(C) after "0152 Administrative Assistant" add "II";

(D) after "0154 Administrative Assistant" add "III";

(E) after "0156 Administrative Assistant" add "IV";

(17) On Page IX-7 strike

"2082 Right of Way Agent II B8"

and substitute

"2082 Right of Way Agent II B6

"2084 Right of Way Agent III B8"

(18) On Page IX-11 after "Benefit Review Officer" strike "II";

(19) On Page IX-73, under Sec. 11.14(a)(2) strike "for agency operations" and substitute "to pay operating costs such as those relating to Workers Compensation Assessments and the Statewide Allocation Plan".

Amendment No. 3

Representative Dukes offered the following amendment to Amendment No. 2:

Amend the Representative Heflin amendment found on page 2 of the packet to **CSHB 1**, by adding the following item at the end of the amendment:

(20) On Page II-54, under Rider 47 in the bill pattern for Health and Human Services Commission, strike "1155" and substitute "1115".

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

Amendment No. 4

Representative Heflin offered the following amendment to **CSHB 1**:
Floor Packet Page No. 4

Amend **CSHB 1** as follows:

(1) On the appropriate page under Article III, add the following rider:

The University of Texas Southwestern Medical Center
Tuition Revenue Bonds

Contingent upon the enactment of legislation relating to the authorization of the issuance of tuition revenue bonds for The University of Texas Southwestern Medical Center, increase strategy C.2.1 by \$4,494,000 out of the General Revenue Fund for the 2004-05 biennium for debt service of those bonds for the fiscal year 2004. The above appropriation is made from funds received by restructuring existing debt at the Texas Public Finance Authority. Any portion of this appropriation not spent in fiscal year 2004 could be expended for the same purposes in fiscal year 2005.

Amendment No. 5

Representative Heflin offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 by Heflin to **CSHB 1** (page 4, amendment packet) between "Public Finance Authority" and the period by inserting: "which will result in a reduction in general revenue appropriations for the Texas Public Finance Authority in the amount of \$4,494,000"

Amendment No. 5 was adopted without objection.

Amendment No. 4, as amended, was adopted without objection.

Amendment No. 6

Representative Heflin offered the following amendment to **CSHB 1**:
Floor Packet Page No. 5

Amend **CSHB 1** as follows:

On page IX-55, amend Sec. 6.37, **Demographic and Statistical Studies**, as follows:

Before expending funds appropriated by the Act for the purpose of contracting with a consultant or other private assistance in performing a study required by the Legislature that includes statistical or demographic analysis of data, the agency conducting the study shall determine if the resources of the Texas Legislative Council are available to assist the agency in designing or conducting that component of the study. None of the funds appropriated by the Act may be granted to or expended by any entity which performs political polling.

Overview

This addition to the existing rider prohibits the spending of appropriated funds on any entity that performs political polling.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Heflin offered the following amendment to **CSHB 1**:
Floor Packet Page No. 6

Amend **CSHB 1** as follows:

(1) On the appropriate page under Article IX, add the following sections:

SEC. _____. Texas Food & Fibers Commission. Contingent on the enactment of legislation by the Seventy-eighth Legislature, Regular Session, implementing the recommendations contained in e-Texas II issue GG 36, *Eliminating the Texas Food and Fibers Commission*, the following provisions shall take effect:

(a) Appropriations made by this Act to the Texas Food and Fibers Commission for the biennium are hereby reduced by \$1,349,101 in General Revenue, \$465,000 in Federal Funds, and \$2,744,595 in Other Funds for each year of the biennium beginning September 1, 2003.

(b) Any grants or gifts received by or awarded to the Texas Food and Fibers Commission, and any unexpended balances as of September 1, 2003, in any grants or gifts received by the Texas Food and Fibers Commission are hereby reappropriated to the Department of Agriculture.

(c) Rider provisions contained in this Act for the Texas Food and Fibers Commission are hereby made applicable to the Department of Agriculture to the extent they apply to programs previously administered by the Texas Food and Fibers Commission.

Sec. _____. Surplus Property. Contingent on the enactment of legislation by the Seventy-eighth Legislature, Regular Session, implementing the recommendations contained in e-Texas II issue GG 40, *Increase Revenues from Surplus Property*, the following provision shall take effect:

Notwithstanding any other provision in this Act, receipts to any agency of the state government specified in this Act received from the sale of surplus property, equipment, livestock, commodities, or salvage pursuant to the provisions of Chapter 2175, Government Code, and which were originally purchased with an appropriation from the General Revenue Fund shall be deposited into the General Revenue Fund and are not appropriated for expenditure. It is the intent of the legislature that implementation of GG 40 increase the amount of unobligated General Revenue by at least \$1,705,000 in 2004 and \$1,758,000 in 2005 above amounts contained in the Comptroller's January 2003 Biennial Revenue Estimate.

Sec. _____. Texas Imported Fire Ant Research and Management Plan. It is the intent of the legislature to implement the recommendation in e-Texas II issue GG 42, *Eliminate Duplicative Funding for the Texas Imported Fire Ant Research and Management Plan*, and suspend funding for the plan for the biennium. General Revenue Fund appropriations made by this Act to the Texas Agricultural Experiment Station in Strategy A.1.1., Agricultural/Life Sciences Research, are hereby reduced by \$2,187,500 in fiscal year 2004 and by \$2,187,500 in fiscal year 2005.

Sec. _____. Animal Health Commission. Contingent upon enactment of legislation by the Seventy-eighth Legislature, Regular Session, implementing the recommendations in e-Texas II issue GG 41, *Merge the Animal Health Commission with the Department of Agriculture*, the following provisions take effect:

(a) General Revenue Fund appropriations made by this Act to the Animal Health Commission are hereby reduced by \$825,125 in fiscal year 2004 and by \$1,649,375 in fiscal year 2005. The "Number of Full Time Equivalent Positions (FTE)" figure indicated for the Animal Health Commission is hereby reduced by 13 in fiscal year 2004 and by 26 in fiscal year 2005.

(B) Any remaining appropriations made by the Act to the Animal Health Commission and corresponding FTEs are hereby transferred to the Department of Agriculture, effective March 1, 2004, for the same purposes.

(C) General Revenue Fund appropriations made elsewhere in the Act for employee benefit costs are hereby reduced by \$147,000 in fiscal year 2004 and by \$294,000 in fiscal year 2005.

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Heflin offered the following amendment to **CSHB 1**:
Floor Packet Page No. 8

Amend **CSHB 1** in Article IX of the bill by adding the following appropriately numbered subdivision to Section 11.29 of Article IX:

() The University of Texas Southwestern Medical Center at Dallas for the Institute for Nobel/National Academy Biomedical Research: \$17,000,000.

Amendment No. 8 was withdrawn.

Amendment No. 9

Representative Heflin offered the following amendment to **CSHB 1**:
Floor Packet Page No. 8

Amend **CSHB 1** in Article IX of the bill by adding the following appropriately numbered subdivision to Section 11.29 of Article IX:

() The University of Texas Southwestern Medical Center at Dallas for the Institute for Nobel/National Academy Biomedical Research: \$17,000,000.

Amendment No. 10

Representative Menendez offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Heflin to **CSHB 1** (page 8 amendment packet) at the end of the amendment by adding the following appropriately numbered item:

() Amend **CSHB 1** in Article IX of the bill by adding the appropriately numbered subdivision to Section 11.29 of Article IX:

() The University of Texas Health Science Center at San Antonio for the San Antonio Life Science Institute: \$12,000,000.

Amendment No. 10 was adopted without objection.

Amendment No. 9, as amended, was adopted without objection.

Amendment No. 11

Representatives Grusendorf, Heflin, and Pitts offered the following amendment to **CSHB 1**:

Floor Packet Page No. 9

Amend **CSHB 1** as follows:

(1) On the appropriate page under Article IX add the following rider:

Sec. _____. **Medicaid Appropriations Adjustment.**

(a) The Comptroller of Public Accounts is hereby directed to reduce appropriations to the Health and Human Services Commission and the Texas Department of Health by \$524 million in General Revenue for the 2004-05 biennium related to Medicaid cost containment. The reductions shall be made to Medicaid appropriations of the respective agencies.

The Health and Human Services Commission shall identify the specific strategies from which the reductions will be made in annual reports to the Legislative Budget board and the Governor. The reports shall be submitted by October 31 of each year of the 2004-05 biennium. All reductions shall be documented in the agency's Legislative Appropriations Request, Operating Budget and adjustments included in reported expenditures for the 2004-05 biennium to the Seventy-ninth Legislature.

(b) The Comptroller is directed to increase by a total of \$524 million the appropriations made from the General Revenue Fund under this Act to the following:

(1) Texas Education Agency for the purchase of Texas History and Economics textbooks: \$33,000,000;

(2) Texas Education Agency for disciplinary alternative education programs: \$36,000,000;

(3) Texas Education Agency for the Optional Extended Year Program: \$33,000,000;

(4) Texas Education Agency for the Basic Skills Programs for High School Students Program: \$50,000,000;

(5) Texas Education Agency for the Instructional Facilities Allotment and the Existing Debt Allotment: \$115,000,000;

(6) Texas Education Agency for Regional Education Service Centers core services, \$10,000,000;

(7) Teacher Retirement System for TRS-Care: \$220,000,000; and

(8) Teacher Retirement System for minimum effort transition assistance component of TRS Active-Care: \$27,000,000.

(2) On page III-19 of the Texas Education Agency's bill pattern, amend Rider 65 as follows:

65. Technical Assistance for Certain School Districts. Out of the funds appropriated above in Strategy B.3.1, Teaching Excellence and Support, the Commissioner shall distribute an amount not to exceed \$10 million in 2004 and \$10 million in 2005 to small and/or rural school districts to assist them in securing professional development and other technical assistance services from either a Regional Education Service Center or other service provider. The

formula for distribution shall be determined by the Commissioner and approved by the Legislative Budget Board and the Governor. In addition, out of the funds appropriated above in Strategy B.3.1, Teaching Excellence and Support, the Commissioner shall allocate to Regional Education Service Centers serving small and rural school districts \$5 million in each year of the 2004-05 biennium for core services in accordance with Texas Education Code § 8.121.

Amendment No. 12

Representative Hochberg offered the following amendment to Amendment No. 11:

Amend the amendment on page 9 of the amendment packet as follows:

(1.) In Section 1(b)(1), between "\$33,000,000" and ";" insert "if **HB 451** or similar legislation is not enacted, or \$29,700,000 if **HB 451** or similar legislation is enacted".

(2.) Contingent upon the passage of **HB 451** or similar legislation, in Article III, page III-31, Strategy A.3.1 Active Health of the bill pattern for the Teacher Retirement System, increase the general revenue appropriation by \$3,300,000.

(3.) Contingent upon the passage of **HB 451** or similar legislation, direct the Legislative Budget Board staff to make appropriate changes in Article III, page III-34, Rider 9, Contingency Appropriation for School District Employee Pass-Through, of the bill pattern for the Teacher Retirement System, to indicate the revised pass-through amounts for teachers, nurses, counselors, librarians, and support staff, based on an equal distribution per employee of the increased funding.

Amendment No. 12 was adopted without objection.

Amendment No. 13

Representative Hochberg offered the following amendment to Amendment No. 11:

Amend the amendment on page 9 of the amendment packet by adding the following:

(3.) In Article III, under the appropriation to the Texas Education Agency, add an appropriately numbered rider to read as follows:

_____. Any funds appropriated by this Act for retiree health that exceed a total of \$379,802,605 for FY04 or \$250,325,988 for FY05 may not be expended except to the extent that such funds first reduce any contribution by active employees beyond 0.25% of the employees salary and then reduce any contribution by school districts.

Representative Heflin moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 226): 82 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Kuempel; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Absent — Moreno, P.

STATEMENT OF VOTE

I was shown voting yes on Record No. 226. I intended to vote no.

Keel

Amendment No. 14

Representative Hochberg offered the following amendment to Amendment No. 11:

Amend the amendment on page 9 of the amendment packet by adding the following:

(3.) In Article III, under the appropriation to the Texas Education Agency, add an appropriately numbered rider to read as follows:

_____. Any funds appropriated by this Act for retiree health that exceed a total of \$379,802,605 for FY04 or \$250,325,988 for FY05 may not be expended except to the extent that such funds evenly reduce any contribution by active employees beyond 0.25% of the employees salary and any contribution by school districts.

Representative Heflin moved to table Amendment No. 14.

A record vote was requested.

The motion to table prevailed by (Record 227): 78 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Riddle; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Bonnen; Burnam; Callegari; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Goodman; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Keel; Kuempel; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Smith, T.; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Amendment No. 15

Representative Dunnam offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 to **CSHB 1** by Heflin in item (1) of the amendment by adding Subsection (c) to the rider to read as follows:

(c) Notwithstanding Subsections (a) and (b) of this rider, if **HCR 56** is finally approved, the amount of the reductions under Subsection (a) of this rider may not result in an appropriation lower than necessary to fund the average monthly Medicaid caseload reflected in that resolution. If the reductions specified by Subsection (a) of this rider are so great as to reduce the appropriations to an amount lower than necessary to fund the monthly Medicaid caseload specified by that resolution, the increases in appropriations under Subsection (b) of this rider are proportionately reduced to by the amount necessary to maintain an appropriation necessary to fund that caseload level.

Representative Wohlgemuth moved to table Amendment No. 15.

A record vote was requested.

The motion to table prevailed by (Record 228): 94 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs;

Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberger; Lewis; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Farrar; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C); Edwards.

Absent, Excused — Isett.

Absent — Farabee; Homer; McClendon; Moreno, P.

STATEMENT OF VOTE

When Record No. 228 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

Amendment No. 16

Representative Coleman offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Heflin to **CSHB 1** (page 9 amendment packet) as follows:

(1) In Subsection (a) of the Article IX rider, strike "\$524 million" and substitute "250 million".

(2) Strike Subsection (b) of the Article IX rider and substitute the following:

The comptroller is directed to increase by a total of \$250 million the appropriations made from the general revenue fund under this Act to the Health and Human Services Commission for the Children's Health Insurance Program.

Representative Heflin moved to table Amendment No. 16.

A record vote was requested.

The motion to table prevailed by (Record 229): 95 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown;

Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Hochberg; Hodge; Hopson; Jones, D.; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Absent — Farabee; Homer.

STATEMENT OF VOTE

When Record No. 229 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

Amendment No. 17

Representative Coleman offered the following amendment to Amendment No. 11:

Amend the Heflin amendment on Page 9 Sec. _____ Medicaid Appropriations Adjustment by adding:

(c) Transfer to Health and Human Services Commission. In the event the caseload projections for Medicaid exceed the projections included in the act, the Texas Education Agency shall transfer to the Health and Human Services Commission an amount not to exceed the amount reduced from the Committee Substitute for **HB 1**, as amended by the House of Representatives, Regular Session, 78th Legislature.

Representative Heflin moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 230): 96 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle;

Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Bailey; Burnam; Canales; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Farrar; Flores; Gallego; Giddings; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Telford; Thompson; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Isett.

Absent — Alonzo; Farabee; Garza; Laney; Pickett; Solis.

STATEMENT OF VOTE

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

A record vote was requested.

Amendment No. 11, as amended, was adopted by (Record 231): 108 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Paxton; Phillips; Pitts; Puente; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Castro; Coleman; Davis, Y.; Dunnam; Dutton; Farrar; Gallego; Garza; Guillen; Hochberg; Hodge; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Quintanilla; Raymond; Rodriguez; Rose; Telford; Thompson; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker(C); Mabry.

Absent, Excused — Isett.

Absent — Bailey; Flores; Giddings; McClendon; Pickett; Solis.

STATEMENTS OF VOTE

I was shown voting no on Record No. 231. I intended to vote present, not voting.

Dunnam

When Record No. 231 was taken, my vote failed to register. I would have voted yes.

McClendon

REASON FOR VOTE

We support additional funding for education. However, the funds are more appropriately taken from the Economic Stabilization Fund 0599 (the Rainy Day Fund) as opposed to cutting services to the frail and elderly, the infirm, and others in need now being served by the Health & Human Services Commission and the Texas Department of Health. There remains a significant unexpended balance in the Rainy Day Fund. Further, a portion of the Rainy Day Fund has earlier been earmarked for a gubernatorial slush fund which, in times of an extreme budgetary shortfall, is merely a "want" and not a "need." There is no need to choose between kids who need an education and adults in need of serious help—especially when money is available for both.

Alonzo, Bailey, Burnam, Castro, Coleman, Y.
Davis, Dunnam, Gallego, Hochberg, Hodge,
Hopson, Mabry, Naishtat, Noriega, Puente,
and Rodriguez

Amendment No. 18

Representative Heflin offered the following amendment to **CSHB 1**:

Floor Packet Page No. 10

Amend **CSHB 1** as follows:

(1) On Page IX-74, strike Sec. 11.15 and renumber the subsequent sections appropriately.

Amendment No. 19

Representative Gallego offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 by Heflin to **CSHB 1** (page 10, amendment packet) by striking the existing text of the amendment and substituting the following:

(1) On page IX-74, Section 11.15, Contingency Appropriation Reduction, Subsection (a), strike everything between the words "Comptroller" on the second line and ending with the words "to certify" on the fourth line and substitute the

words "shall notify the Legislative Budget Board and the Governor of the amounts of the reductions in general revenue and general revenue dedicated accounts that would be required."

(2) On page IX-75, Section 11.15, Contingency Appropriation Reduction, strike Subsection (c) in its entirety and substitute the following:

(c) The Legislative Budget Board and the Governor shall determine the amounts of reductions by agency and strategy and shall take formal action to implement the reductions.

Amendment No. 19 was withdrawn.

Amendment No. 18 was adopted without objection.

Amendment No. 20

Representative Heflin offered the following amendment to **CSHB 1**:

Floor Packet Page No. 11

Amend **CSHB 1** as follows:

On page X-4, for the Legislative Council, add the following new rider:

_____ . The Legislative Council may transfer amounts, as appropriate, to the Commission on Uniform State Laws.

Amendment No. 20 was adopted without objection.

Amendment No. 21

Representative Heflin offered the following amendment to **CSHB 1**:

Floor Packet Page No. 12

Amend **CSHB 1** as follows:

Add the following rider to the Water Development Board bill pattern;

Desalination Grants. Out of funds appropriated above in Strategy A.1.2. Water Planning, the Water Development Board is authorized to use an amount not to exceed \$1.5 million from the Water Assistance Fund No. 480 for competitively awarded grants for desalination research and regional studies.

Make all other necessary adjustments.

Overview

This rider authorizes the use of existing funds for desalination research and regional studies. This research will be used to determine the feasibility and costs/benefits of building a desalination facility on the Gulf Coast of Texas.

Amendment No. 21 was adopted without objection.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Delisi requested permission for the Committee on State Health Care Expenditures, Select to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Corrections, 7 a.m. today, April 15, posted room in the JHR building.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Capelo requested permission for the Committee on Public Health to meet during the reading and referral of bills.

Permission to meet was granted without objection.

FIVE DAY POSTING RULE SUSPENDED

Representative Chavez moved to suspend the five day posting rule to allow the Committee on Border and International Affairs to meet at 7:45 a.m. rather than 8 a.m.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, 7:30 a.m. today, April 15, E2.012, for a public hearing, to consider remaining bills from Monday's agenda.

Licensing and Administrative Procedures, will not meet tonight.

Financial Institutions, will not meet tonight.

Ethics, Select, 8:30 a.m. Wednesday, April 16, Desk 71, for a formal meeting, to consider **HB 1606**.

Public Health, during the reading and referral of bills today, speakers committee room, for a formal meeting, to consider pending bills.

Border and International Affairs, 7:45 a.m. instead of 8 a.m. today, April 15, E1.026, for a public hearing.

State Health Care Expenditures, Select, during reading and referral of bills today, speakers committee room, for a formal meeting, to consider **HB 1090**, **HB 1256**, and **HB 3122**.

FIVE DAY POSTING RULE SUSPENDED

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **HB 2804**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 8 a.m. today, E2.028.

PROVIDING FOR ADJOURNMENT

Representative Kolkhorst moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9 a.m. today in memory of John James Pasket of New Waverly.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

STATEMENT REGARDING CSHB 1

The children of Texas are not an expendable budget item. We, the undersigned, hereby oppose the current budget proposal which recommends reductions in CHIP eligibility and funding.

The budget proposal that would cut from 200% the rate at which children can qualify for CHIP to a mere 150% of poverty. This dramatic cut will result in 256,820 children being dropped from this insurance program. CHIP saves the state money in the long run because it promotes preventative care. Regular doctor visits reduce the need for costly emergency care and promote long-term healthy lifestyles that can reduce other future health risks.

Texas shouldn't tighten its belt at the expense of strangling health care for Texas' most valuable natural resource—our children.

Naishtat
Burnam
Castro
Dunnam
Raymond
Menendez
Thompson
Peña
Quintanilla
Flores
Hodge
Gutierrez
Garza
Canales
Rose
McReynolds
Puente
J. Moreno
P. Moreno
Coleman
R. Cook
Deshotel
Dukes
Homer
Edwards
Wise
Guillen
Wolens

Dutton
Lewis
Eiland
Rodriguez
Noriega
Telford
Villarreal
Farabee
Uresti
Hochberg
Turner
Alonzo
Bailey
Solis
Olivo
J. Jones
Farrar
Martinez Fischer
Hopson
Chavez
Mabry
Gallego
McClendon
Ritter
Ellis
Capelo
Oliveira

ADJOURNMENT

In accordance with a previous motion, the house, at 1:34 a.m. Tuesday, April 15, adjourned until 9 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3572 (By Chisum), Relating to the duties and salary of the county attorney in Swisher County and the duties of the district attorney for the 64th Judicial District.

To Judicial Affairs.

HCR 196 (By Campbell), Honoring Marine Lance Corporal Kyle Howard of San Angelo for heroic bravery displayed during Operation Iraqi Freedom.

To Rules and Resolutions.

HCR 197 (By Craddick), Honoring Dr. Gregory W. Bartha of Midland on his receipt of a Golden Deeds Award.

To Rules and Resolutions.

HR 731 (By Keel), Honoring the U.S. Navy Armed Guard for its service during World War II.

To Rules and Resolutions.

HR 733 (By Capelo), Congratulating the Hispanic Issues Section of the State Bar of Texas on the 25th anniversary of its founding.

To Rules and Resolutions.

HR 737 (By J. Keffer), In memory of Jack Scott of Cross Plains.

To Rules and Resolutions.

HR 740 (By Gallego), Commending Douglas A. Newton of Del Rio on his notable civic contributions.

To Rules and Resolutions.

HR 742 (By Gallego), Honoring Arturo C. Gonzalez on his exceptional legal career.

To Rules and Resolutions.

HR 743 (By Y. Davis), Honoring Dr. E. K. Bailey on his receipt of a 2003 Good Samaritan Award.

To Rules and Resolutions.

HR 744 (By Y. Davis), Honoring Pastor Kevin Eugene Rodgers I on 26 years in the ministry and six years as leader of the Covenant Missionary Baptist Church congregation.

To Rules and Resolutions.

HR 747 (By Craddick), In memory of Samuel Harrill of Midland.

To Rules and Resolutions.

HR 750 (By Harper-Brown), In memory of Chief Warrant Officer Johnny Villareal Mata of Pecos.

To Rules and Resolutions.

HR 751 (By Merritt), Honoring Mary Ann Pierce of Gladewater on her 100th birthday.

To Rules and Resolutions.

HR 752 (By Merritt), Honoring Jack and Betty Gilbert of Lindale on their 50th wedding anniversary.

To Rules and Resolutions.

HR 753 (By Merritt), Congratulating James and Ellen Schoggins of Tyler on their 50th wedding anniversary.

To Rules and Resolutions.

HR 754 (By Merritt), Honoring Clifton L. and Agnes Hudspeth of Tyler on their 50th wedding anniversary.

To Rules and Resolutions.

HR 755 (By Allen), In memory of Detective Lewis Steve Hall of Port Arthur.

To Rules and Resolutions.

HR 756 (By Bonnen), In memory of G. W. Wood of Spicewood.

To Rules and Resolutions.

HR 758 (By Merritt), Honoring Raymond and Beatrice Ivy of New Chapel Hill on their 65th anniversary.

To Rules and Resolutions.

HR 759 (By Farrar), Commending the work of The Orange Show Foundation of Houston.

To Rules and Resolutions.

HR 760 (By Farrar), Honoring Art Car Weekend in Houston.

To Rules and Resolutions.

HR 761 (By Farrar), Congratulating Diane and Mike Easley on their selection by the Houston Heights Association as its Citizen of the Year.

To Rules and Resolutions.

HR 762 (By Farrar), Congratulating Carvel Glenn on his receipt of the Marcella Perry Award from the Houston Heights Association.

To Rules and Resolutions.

HR 763 (By Eiland), Honoring the Galveston Police Department for participating in the search for and recovery of debris from the space shuttle Columbia.

To Rules and Resolutions.

HR 764 (By Eiland), Honoring the Galveston County Sheriff's Office Marine Unit for participating in the search for and recovery of debris from the space shuttle Columbia.

To Rules and Resolutions.

HR 765 (By Chavez), Commemorating the release of a U.S. stamp honoring Cesar Chavez.

To Rules and Resolutions.

HR 766 (By Chavez), Honoring Florentino "Lico" Subia of El Paso for his commitment to his community.

To Rules and Resolutions.

HR 767 (By Baxter), Honoring the Westlake High School Lady Chaparrals volleyball team on its championship season.

To Rules and Resolutions.

SB 10 to Insurance.

SB 83 to Public Education.

SB 174 to State Affairs.

SB 255 to Law Enforcement.

SB 265 to Public Education.

SB 282 to Licensing and Administrative Procedures.

SB 284 to Urban Affairs.

SB 297 to Pensions and Investments.

SB 345 to Transportation.

SB 351 to Licensing and Administrative Procedures.

SB 388 to Government Reform.

SB 392 to Local Government Ways and Means.

SB 481 to Law Enforcement.

SB 526 to Natural Resources.

SB 529 to Public Health.

SB 530 to Public Health.

SB 564 to Public Health.

SB 567 to Public Health.

SB 599 to Environmental Regulation.

SB 611 to Business and Industry.

SB 617 to Public Education.

SB 655 to Defense Affairs and State-Federal Relations.

SB 674 to Law Enforcement.

SB 681 to Insurance.

SB 685 to Criminal Jurisprudence.

SB 755 to Land and Resource Management.

SB 774 to Financial Institutions.

SB 801 to Law Enforcement.

SB 814 to Defense Affairs and State-Federal Relations.

SB 825 to Criminal Jurisprudence.

SB 826 to Criminal Jurisprudence.

SB 840 to Law Enforcement.

SB 857 to Public Health.

SB 895 to Law Enforcement.

SB 912 to State Affairs.

SB 948 to Local Government Ways and Means.

SB 959 to County Affairs.

SB 965 to Financial Institutions.

SB 982 to State Affairs.

SB 1018 to Judicial Affairs.

SB 1035 to Natural Resources.

SB 1063 to Transportation.

SB 1090 to Licensing and Administrative Procedures.

SB 1105 to Licensing and Administrative Procedures.

SB 1183 to Economic Development.

SB 1532 to State Affairs.

SB 1533 to State Affairs.

SB 1567 to House Administration.

SB 1726 to Urban Affairs.

SB 1875 to State Affairs.

SCR 26 to State Cultural and Recreational Resources.

SJR 43 to State Affairs.

SJR 44 to Transportation.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HJR 1 (By Puente), Proposing a constitutional amendment allowing the expenditure of motor vehicle fuel taxes and registration fees for rights-of-way for railroads and utilities.

To Transportation.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 25

HCR 40, HCR 72, HCR 110, HCR 111, HCR 112, HCR 113, HCR 114, HCR 115, HCR 116, HCR 117, HCR 119, HCR 120, HCR 121, HCR 122, HCR 195

Senate List No. 14

SB 121, SB 353, SB 430, SCR 38

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 14, 2003

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 13 Zaffirini
Relating to restricting written information required of public school classroom teachers.

SB 382 Armbrister
Relating to reimbursement under certain health benefit plans for services provided by licensed athletic trainers.

SB 909 Lucio
Relating to the regulation of combative sports; providing penalties.

SB 1059 Ellis, Rodney
Relating to corporate ethics and integrity; providing penalties.

SB 1065

Shapiro

Relating to a pilot project to address continuing needs for more child protective services caseworkers in certain regions of this state.

SB 1109

Shapiro

Relating to revocation of the certificate and termination of the employment of public school educators convicted of certain offenses.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 14, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 104

Davis, John

SPONSOR: Lucio

Honoring the life of Minnie Mae Glenn of Brownsville.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 14, 2003 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 244 West

Relating to the making of political contributions to or the acceptance of political contributions by statewide officeholders and members of the legislature during the period in which the governor may veto a bill.

SB 493 Shapleigh

Relating to mental health and substance abuse services provided through certain state health benefit programs.

SB 641 West

Relating to presumptions for state land records.

SB 903 Lindsay

Relating to the use of toll projects by military vehicles; creating an offense.

SB 1082 Ogden

Relating to loans from the permanent school fund for the acquisition of rights-of-way for the state highway system.

SB 1083 Ogden

Relating to the issuance of bonds and other public securities secured by the state highway fund and the financing and construction of highway improvement projects.

SB 1240 Shapiro

Relating to voluntary school district consolidation.

SCR 40 Fraser

Commending the board of directors of the National D-Day Museum in New Orleans, Louisiana.

SJR 19 Williams

Proposing a constitutional amendment to allow current and retired college professors to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 10

Border and International Affairs - **HB 2634, HCR 59**

Civil Practices - **HB 335, HB 378, HB 1297**

Criminal Jurisprudence - **HB 614, HB 615, HB 1424, HB 2014**

Energy Resources - **HB 1931, HB 2301, HB 2654**

Financial Institutions - **HB 1009, HB 1380, HB 1934, HB 2055, HB 2138, HB 2240, HB 2241, HB 2248, HB 2409, HB 2713, SB 324**

Juvenile Justice and Family Issues - **HB 162, HB 518, HB 556, HB 729, HB 885, HB 913, HB 1391, HB 1571, HB 1648, HB 1815, HB 1833, HB 1878, HB 1885, HB 1972, HB 2001, HB 2002, HB 2099, HB 2126, HB 2588, SB 358**

Licensing and Administrative Procedures - **HB 941, HB 1147, HB 2442**

Natural Resources - **HB 1577, HB 2567, SB 347**

Pensions and Investments - **HB 2561, HB 3234**

Public Education - **HB 411, HB 521**

Regulated Industries - **HB 1542, HB 2352**

Transportation - **HB 874, HB 1654, HB 2384, HB 2941, HB 2959, HB 2962, HB 3366, HB 3413**

Ways and Means - **HB 202**

April 11

Agriculture and Livestock - **HB 3213**

Border and International Affairs - **HB 3294, SB 558**

Corrections - **HB 477, HB 2287**

Defense Affairs and State-Federal Relations - **HB 261, HB 405**

Economic Development - **HB 262**

Environmental Regulation - **HB 253, HB 1287, HB 1678**

Higher Education - **HB 1420, HB 1817, HB 1882, HB 1887, HB 1941**

Human Services - **HB 3124**

Insurance - **HB 472, HB 897, HB 1446**

Judicial Affairs - **HB 326, HB 346, HB 1539, HB 1590, HB 1897, HB 2158, HB 2189, HB 2238, HB 2401, HB 2402, HB 2498, HB 2676, HB 3270, HB 3273, HB 3386, SB 164, SB 354**

Land and Resource Management - **HB 645, HB 1106, HB 1197, HB 1283, HB 1306, HB 2178, HJR 36**

Licensing and Administrative Procedures - **HB 599, HB 706, HB 1199, HB 1218, HB 1317, HB 2156, HB 2519, HB 2792**

Local Government Ways and Means - **HB 1278, HB 2383**

Natural Resources - **HB 2786, HB 2888**

Public Education - **HB 323, HB 387, HB 447, HB 567, HB 818, HB 859, HB 1112, HB 1113, HB 1406, HB 1440, HB 1441, HB 1518, HB 1626, HB 1776, HB 2224, HB 2520, HB 2804, HB 2964, HCR 73**

Public Health - **HB 21, HB 311, HB 776, HB 834, HB 965, HB 1077, HB 1614, HB 1708, HB 1723, HB 1794, HB 1877, HB 1920, HB 1926, HB 2132, HB 2185, HB 2324, HB 2349, HB 2350, HB 2985, HB 2989, SB 40, SB 43, SB 491, SB 572**

State Health Care Expenditures, Select - **HB 1347, HB 3484, SB 240**

Transportation - **HB 2899, HB 3412, SB 193**

Urban Affairs - **HB 560**

ENGROSSED

April 10 - HB 103, HB 174, HB 263, HB 284, HB 500, HB 545, HB 558, HB 564, HB 591, HB 627, HB 641, HB 727, HB 728, HB 802, HB 845, HB 861, HB 882, HB 904, HB 928, HB 948, HB 1046, HB 1049, HB 1056, HB 1174, HB 1226, HB 1234, HB 1237, HB 1264, HB 1274, HB 1322, HB 1401, HB 1454, HB 1508, HB 1517, HB 1522, HB 1528, HB 1531, HB 1564, HB 1566, HB 1597, HB 1625, HB 1696, HB 1716, HB 1754, HB 1767, HB 1784, HB 1831, HB 1832, HB 1836, HB 1858, HB 1890, HB 1949, HB 1975, HB 1984, HB 2012, HB 2021, HB 2061, HB 2064, HB 2071, HB 2091, HB 2092, HB 2093, HB 2116, HB 2152, HB 2153, HB 2300, HB 2382

ENROLLED

April 10 - HCR 110, HCR 111, HCR 113, HCR 114, HCR 117, HCR 119, HCR 120, HCR 121, HCR 122

April 11 - HCR 72, HCR 112, HCR 115, HCR 116

SIGNED BY THE GOVERNOR

April 10 - HCR 43, HCR 96, HCR 152, HCR 155, HCR 157, HCR 162

